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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,816	08/04/2003	Leon Pryor	MS1-1626US	7499

22801 7590 12/10/2007	EXAMINER	
LEE & HAYES PLLC	SHAH, MILAP	
421 W RIVERSIDE AVENUE SUITE 500		
SPOKANE, WA 99201	ART UNIT	PAPER NUMBER
	3714	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/633,816	PRYOR, LEON
	Examiner	Art Unit
	Milap Shah	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 September 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-7,9-11,13-23 and 25-41_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-7,9-11,13-23 and 25-41_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the amendment filed September 17, 2007. The Examiner

acknowledges that claims 1, 4, 9-11, 17, 20, 23, 25, 30-33, 38, & 39 are currently amended, claims 2, 8, 12,

& 24 are canceled, and no new claims have been added. Therefore, claims 1, 3-7, 9-11, 13-23, & 25-41 are

currently pending.

Claim Objections

Claim 41 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to

further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend

the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 41 is considered a "hybrid" type claim in which two separate statutory classes appear to be claimed

(i.e. a computer read-able medium... executing a method of...). In these situations, the claim is objected to

as failing to further limit the parent claim; and the Applicant should either cancel the claim or rewrite the

claim in independent form including all of the limitations of the parent claim; for example: "A computer

readable medium... the processor configured to perform the steps of... ". Appropriate correction is

required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this
country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, 9-11, 13-23, & 25-41 are rejected under 35 U.S.C. 102(b) as being anticipated by

"Security Issues in Online Games" by Jianxin Jeff Yan & Hyun-Jin Choi (hereafter "Yan et al."). Note:

This non-patent literature was provided with a prior office action dated March 31, 2006.

Claims 1, 3-5, 7, 13, 17, 18, 23, 25, 32, & 33: Yan et al. disclose the same invention including

monitoring players in a game (automatically via cheat detection engine), wherein the game is

monitored only on a game server (page 130, section C-1 discloses that in the case that game

designers cannot provide guaranteed security for game clients, the built-in cheat detection engine

should be implemented in the game server where it is difficult for cheaters to tamper with the

software, thus providing a teaching of having a built-in cheat detection engine within only the

game server), based on said monitoring, identifying one or more player-exploitable game

conditions, wherein the player-exploitable game conditions are identified by observing the players'

play of the game (page 130, section C-1 discloses a popular item duplication cheat and discusses

that game behavior can be monitored such that when gaming behavior violates certain principles

or thresholds, a built-in triggering event will take appropriate action, thus providing a teaching of

identifying the player-exploitable game conditions), setting a threshold against which the player of

the players is compared, wherein the threshold is set based on a rate at which virtual property is

acquired during the play and wherein the threshold is configured to be modified in real time during

game play (page 130, section C-1 discloses "... the number of items generated by the system should

always be equal to the number of items that are possessed and consumed by all the player.

Therefore, when a gaming behavior violates this principle, a triggering event will be thrown to the

built-in detection engine, which will take the appropriate actions", which appears to teach or imply

that a threshold is dynamically set in real time based on the number of players within the game and

the total number of items consumed or possessed by those game players. Additionally since the

total number of players constantly changes in online games of the type being discussed at page 130, section C-1, the triggering event would require a threshold that changed in real-time with the changes in game play, number of players, and virtual property, thus, it could be further seen that such a feature/limitation is inherent to the disclosure), and identifying, among the players, one or more cheating players who are exploiting the player-exploitable game conditions, the identifying comprising comparing the rates at which the cheating players acquire virtual property in the game against the threshold, whereby the cheating players and player-exploitable game conditions are dealt with to prevent from further occurrence (page 130, section C-1 discloses the appropriate actions as discussed above once cheating is identified is to void the game change that the cheating behavior would like to achieve and record the cheater's ID, thus the cheating player and player-exploitable game conditions are identified and "dealt with"). See also the *Ultima Online* example at page 130, section C-1, which provides further evidence of monitoring game play versus thresholds, where the thresholds are set based on game play (i.e. based on virtual property in the game, virtual money in the game, etc...).

Regarding claim 17, the above method is considered to be carried out within a game server, which is a general computer having a processor or CPU, one or more computer readable media (memory), and where the processor is configured to carry out the cheat detection process as described above.

Regarding claims 5, 13, 23, & 33 all of the above appears to apply and additionally Yan et al. disclose determining whether the threshold is exceeded for any of the players of the game at least based on the disclosure at page 130, section C-1 which states that if the "principle" (i.e. threshold) is exceeded, appropriate actions will be taken. Furthermore, Yan et al. also disclose logging the player of the player whose play exceeds the threshold to computer storage medium (i.e.

where else would it go, if it's being logged/stored it would reside on some type of memory) at least based on the disclosure at page 131, section C-7 that discusses logging each game as a session record helps guarantee fairness. Based on this disclosure it can be seen that all play is logged, thus the player whose play exceeds the threshold (i.e. suspected cheats) is also logged in this situation. The logging is considered to encompass all of the game events and variable changes, thus, the logging is used, at least in part, by the detection system to determine or identify cheating players based on the logged play.

Regarding claim 32, all of the above appears to apply and additionally it is readily apparent that the computer program or code to carry out the method discussed above is stored on a computer-readable medium so the game server is able to execute the game software (page 130, section C-1 discloses the built-in cheat detection engine is within the game software).

Claim 6: The item duplication player-exploitable game condition as discussed above would inherently provide a player who is duplicating an item, such as a weapon item, an advantage against other players.

Claims 9 & 11: Yan et al. disclose an active complain-response channel or system to let players of a game complain to game operators about potential security threats or information related to specific cheaters, in return, the game operators may send responses to those who've complained and cheaters who've been named (page 131, section C-6). Yan et al. disclose reporting "possible cheatings" to cheaters and other players, which may be considered reporting the actual activities the suspected cheater conducted to be labeled a cheater.

Claim 10: Yan et al. disclose security protocols that may disconnect a client if a validation process fails and the client is suspected of cheating (page 129, section B-10).

Claim 14: A popular player-exploitable game condition is a glitch in a map, level, or scene of a gaming virtual world. Glitches in maps include invisible spots which should be nothing, but end up being a hard platform that a character or player in a game is able to stand on, which puts that player at some location other than the ground plane in the virtual scene. One quick example is the game "Quake 2" which has a map called "The Edge" that has a map glitch which lets a player go to a specific spot in the map and enables the player to essentially "sky walk" and makes the player appear as though he's walking through the air. The map glitch is considered a player exploitable game condition, thus map glitches are inherently player exploitable game conditions since they are capable of allowing a player to be at some location other than the ground plane in the virtual scene. A threshold is capable of being set in a similar manner to the rate at which virtual property is consumed, such that if a player's position goes beyond a wall or ceiling position, then clearly the player is cheating (see page 130, section B-11, which discusses bugs or design flaws; map glitches would be considered a bug or design flaw).

Claims 15 & 16: Yan et al. disclose the player-exploitable game conditions include a scoring cheat, such that some cheaters may stealthily remove live stones instead of dead stones from within a game known as Go (also known as WeiQi or Baduk) overturning the results (page 127, section B-2 & page 131, section C-7). Yan et al. disclose that money or expense exploits are within virtual assets cheating and where there is virtual money or expenses, there are cheaters trying to exploit the game to gain money in the virtual world (page 128, section B-3). Thus, these types of player-exploitable game conditions can be monitored in a similar manner as to the above discussion (i.e. thresholds for score and expense versus length of game play).

Claim 19: According to Applicant's specification an "asynchronous activity pump" provides desired game data relating to the play of the players in a game to the "play monitor". Yan et al.

disclose a built-in detection portion which monitors game events and variables (page 130, section C-1), which is considered to be an "asynchronous activity pump" to provide the gaming events and variables to the detection portion (which is considered the play monitor).

Claim 20: The criteria met for logging to take place is simply that the player is playing the game in which logging is present.

Claims 21 & 22: Yan et al. disclose the built-in detection engine should be implement in a game server (page 130, section C-1) which the client or player is connected to through a network, thus the detection engine is included as a portion of a network. The server is also considered a "stand-alone computer system" since it is not considered dependent on any other system.

Claims 26 & 34: Yan et al. inherently disclose that a threshold can be "reset", at least in the situation when the game server reboots, it would appear that the threshold must start at some default value.

Claims 27-29 & 35-37: The above discussion includes each of these types of player-exploitable game conditions, such that any of these player-exploitable game conditions are monitored based on the built-in cheat detection engine disclosed by Yan et al. These conditions relate to a player's virtual property (i.e. item duplication), a rollover rate, virtual money, and/or game score. Thus, it can be seen (as partially discussed above), that the built-in cheat detection can, based on the disclosure of Yan et al., provide thresholds for each type of player-exploitable game condition so that cheating players can be identified for exceeding thresholds related to the virtual property (i.e. item duplication), a rollover rate, virtual money, and/or game score (see page 127, section B-3 discussing cheating related to virtual assets which includes each of these three types of player-exploitable game conditions that page 130, section C entitled "Cheating mitigation: prevention, detection, and management" is trying to eradicate).

Claims 30, 31, 38, & 39: Yan et al. disclose that when cheating is detected, post-detection mechanisms are needed to punish identified cheaters. Cheaters should be punished and victims that were damaged unfairly in the game caused by the cheating should have their assets, score, or the like restored (page 131, section C-8). Thus, Yan et al. discloses punishing of cheaters and modifying the game to restore any losses accrued by the victims of the cheating incident.

Claims 40 & 41: Yan et al. disclose a built-in cheat detection system at the server level, as discussed above. Yan et al. explain that virtual assets are a big area in which exploiting is used. The built-in detection system disclosed monitors every game event and game variables (page 130, section C-1), thus, it is considered to monitor every item accrued, traded, lost, gained, etc. in a virtual world and indicate this to the player monitor (the built-in detection portion) so that a determination can be made by the built-in detection portion as to whether a player-exploitable game condition is being exploited. With regard to claim 41, the process is considered to be executed or carried out via computer programming that is stored on a computer-readable storage medium and executed by a processor on the game server.

Response to Arguments

As an initial matter, the Examiner took into consideration the Applicant's formal request for interview in Remarks dated September 17, 2007. A telephone call was attempted on December 4, 2007. The call was unsuccessful and the Examiner was required to take timely action on the case, thus, no further attempts were made.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. At least each of the independent claims include amendments which change the scope of the claim from the previous rejection.

As a final note, the Examiner has reconsidered the application in light of the previous Office Action, the Applicant's remarks, and the application as a whole and submits the non-patent literature provided in the Non-Final Office Action mailed March 31, 2006 and relied upon above, appears to anticipate the instant claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

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Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714
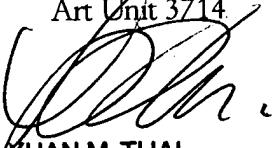
XUAN M. THAI
SUPERVISORY PATENT EXAMINER

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